

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:

SANDRA DIANE DESPER

Debtor

CHAPTER 13

CASE NO. 23-50231

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS,
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 6/13/22 and (iii) moves to dismiss this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

July 12, 2023 at 9:30 a.m.

Parties should contact Judge Connelly's courtroom deputies at
VAWBml_Connelly_Scheduling@vawb.uscourts.gov
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

Documents - Income

- Copy of paystubs for the following period: 60 days paystubs once debtor is employed.

Documents - Other

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

Pleadings

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- Amend Schedule F: to add and notice all creditors.

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

Amend Plan or Suggest Confirmation Order Language

- Either amend the plan to clarify in Part 5.3 that the student loan is to be paid direct by Debtor and amend the budget to show feasibility or provide evidence that Debtor has a co-debtor on the student loan and amend Schedule H and the matrix to add co-debtor.
- Amend the plan to clarify that the chapter 7 test figure in Part 5.1 is \$57,150.

Objections

- The Debtor will not be able to make all payments under the plan because the plan is not feasible pursuant to 11 U.S.C. Section 1325(a)(6). Debtor's income from unemployment is not sufficient to pay her household expenses and her Chapter 13 plan payment.

3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:

Conf - Must Pay 100%

- The Plan must yield 100% to allowed unsecured creditors pursuant to 11 U.S.C. Section 1325 (a) (4) Chapter 7 Test, and Debtor(s) shall promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer yields 100% to such creditors.
4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

WHEREFORE, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: June 14, 2023

/s/ Shannon Morgan

Shannon Morgan
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CERTIFICATE OF SERVICE

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on June 14, 2023.

/s/ Shannon Morgan

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